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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,205	07/24/2003	Puthukode G. Ramachandran	AUS920030501US1	9668

35525 7590 05/31/2007
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EXAMINER

PHAM, CHRYSTINE

ART UNIT	PAPER NUMBER
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2192

MAIL DATE	DELIVERY MODE
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05/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/626,205

Applicant(s)

RAMACHANDRAN ET AL.

Examiner

Chrystine Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to Paper filed on March 19, 2007. No claims have been amended. Claims 1-19 are presented for examination.

Information Disclosure Statement

2. Contrary to Applicants' remark that "an English translation of the abstract of reference JP 10260820A is included with the present response" (Remarks, page 7, section II), no such English translation has been included in the response dated March 19, 2007. Thus, reference JP 10260820A remains unconsidered.

Response to Arguments

3. Applicant's arguments filed March 19, 2007 have been fully considered but they are not persuasive.

Argument 1: "reference numerals 10, 80, and 90 of FIG.1 do not teach the performing step as recited in claim 1" (Remarks, page 9, first paragraph). The Examiner strongly and respectfully disagrees. As established in the previous Office Action (page 3) and as admitted by Applicants (Remarks, page 10), elements 10, 80 and 90 of FIG.1 & *associated text* (see at least col.10:3-col.11:63) explicitly discloses a *local system 10* (i.e., "the data processing system") comprising one or more of *computer programs 30* (i.e., "existing set of software modules resident on the data processing system") (see at least

updating computer programs col.4:35-col.5:2), each of which contains an *updater component 20* (see at least 20, 30 FIG.1 & associated text) which registers itself (i.e., updater component 20) and their product identifier (i.e., computer program 30) with the local system's *repository 40* (see at least 40 FIG.1 & associated text; col.7:54-col.8:19). As pointed out by Applicants, col.10:16-col.11:63 of Donohue specifically discloses "When an installed updater component executes, ... in response to a request from ... updater component, ... the updater component performs 290 a **scan** of the operating system file system to **check whether** the **required software resources** are already **available on the local computer system**" (Remarks, page 10)(Emphasis added). In the same passage, Donohue further teaches performing on the local computer system a **comparison 250** between the **currently installed software product's identifier** and release number and the listed available updates in the retrieved file 160 (see at least col.10:59-62; col.11:45-63). In other words, for every update request, Donohue's *updater component 20* scans the local system's repository (i.e., executes the performing-an-inventory step) to check whether the all the pre-requisite software programs associated with the software program to be updated are already installed on the local system as well as to compare the version number of the existing software program with the version of available update to determine whether the update should be installed on the local system. Thus, contrary to Applicants' argument, Donohue clearly anticipates "performing an inventory on

an existing set of software modules resident on the data processing system" as recited in claim 1.

Argument 2: "a repository containing information about the updaters does not teach 'a knowledge base of versions of respective software modules to obtain compatibility information" (Remarks, page 11). As discussed above, each of the *computer programs 30* contains an *updater component 20* which registers itself (i.e., updater component 20) and their product identifier, version number (i.e., computer program 30) with the local system's *repository 40* (see at least 40 FIG.1 & associated text; col.7:54-col.8:19; col.9:35-64). Also as discussed above, since the updater component 20 scans the repository to compare the version number of the existing software program 30 with that of the available update, it is inherent that the version number of each installed computer program 30 is registered with the repository 40 for subsequent comparison and updating purposes.

Argument 3: "Donohue does not teach 'compatibility information for the new software and existing set of software'" (Remarks, page 12). As established in the previous Office Action (page 2), FIG.2 clearly teaches each *version* of software program 110 is associated with a particular patch (i.e., new software) 120 (i.e., compatible with existing software program 110), which is in turn associated with a particular version of prerequisite software programs 130.

Thus, for example, in order to update *SOFTProd1 v1.0.1* (i.e., install *Patch1* for *SOFTProd1* on the local system), it is inherent that the local repository (i.e., knowledge base) contains the version of the existing software program that is the subject of the update (i.e., *SOFTProd1 v1.0.1*) and the version of the prerequisite software program 130 (i.e., *OPER.SYST3 v2.0*) since if the existing software program 30 has a different version number (i.e., *SOFTProd1 v2.0.0*) then it is associated (i.e., compatible) with a different version of the update (i.e., *Patch2* for *SOFTProd1*). Furthermore, col.11:45-62 of Donohue specifically discloses checking the version number of each prerequisite products associated with an updater component (hence, its associated software program) for interoperability (i.e., compatibility). Needless to say, Donohue clearly anticipates the “compatibility information” and “referring and providing steps” as recited in claim 1.

Argument 4: “Donohue does not teach ‘testing step’” (Remarks, page 15). As established in the previous Office Action (page 3), FIG.4B discloses step 360 of verifying downloaded file 160 (i.e., software updates) to verify (i.e., test) that the software updates are correct and the that the file has not been tampered (see at least col.10:39-50). Col.12:33-40 of Donohue further discloses performing a second verification (i.e., test) on the downloaded updates. The same passage further discloses requiring user’s password (i.e., second user input) for installation of the update after successful verification. Thus, contrary to

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Applicants' argument, Donohue clearly anticipates the 'testing step' as recited in claim 2.

4. In view of the foregoing discussion, rejection of claims under 35 USC 102(b) is considered proper and maintained.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Donohue (US 6,202,207 B1).

Claim 1

Donohue further teaches a method for testing the compatibility of software versions (see at least FIGS.4A-B & associated text), the method comprising the computer-implemented steps of:

- responsive to an installation of a new software module in a data processing system (see at least col.4:35-col.5:2), performing an inventory (see at least col.7:54-col.8:19) on an existing set of software modules resident in the data

processing system (see at least 10, 80, 90 FIG.1 & associated text; 200, 210, 230, 290, 410 FIG.4A & associated text; col.10:3-col.11:63);

- referring to a knowledge base of versions of respective software modules to obtain compatibility information for the new software module with the existing set of software modules (see at least 40 FIG.1 & associated text; 110, 120, 130 FIG.2 & associated text; 250, 260 FIG.4A & associated text; col.7:54-col.8:19; col.9:35-64; col.11:45-62); and
- providing the compatibility information from the knowledge base, wherein the compatibility information is used to determine whether to install the new software module (see at least 310 FIG.4B & associated text; col.7:54-col.8:19; col.9:35-64; col.11:45-62).

Claim 2

The rejection of base claim 1 is incorporated. Donohue further teaches responsive to a first selected user input, testing the new software module in a test data processing system in combination with the existing set of software modules; and responsive to a second selected user input, installing the new software module in the data processing system (see at least 20 FIG.1 & associated text; 260 FIG.4A & associated text; 360-310 FIG.4B & associated text; col.10:39-50; col.12:33-40).

Claim 3

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Donohue further teaches a method for testing the compatibility of software versions (see at least FIGS.4A-B & associated text), the method comprising the computer-implemented steps of:

- responsive to an installation of a new software module in a data processing system, performing an inventory on an existing set of software modules resident in the data processing system (see at least 10, 80, 90 FIG.1 & associated text; 200, 210, 230, 290, 410 FIG.4A & associated text);
- referring to a knowledge base of versions of respective software modules to determine whether the new software module is known to be compatible with the existing set of software modules (see at least 40 FIG.1 & associated text; 110, 120, 130 FIG.2 & associated text; 250, 260 FIG.4A & associated text); and
- responsive to a negative determination, testing the new software module in a test data processing system in combination with the existing set of software modules (see at least 290 FIG.4A & associated text).

Claim 4

The rejection of base claim 3 is incorporated. Donohue further teaches responsive to a determination that the new software module is compatible with the existing software modules, adding a new combination to the knowledge base; and installing the new software module in the data processing system (see at least 310 FIG.4B & associated text).

Claim 5

The rejection of base claim 3 is incorporated. Donohue further teaches

- responsive to a determination that the new software module is not compatible with the existing modules, searching the knowledge base to find a closest match, wherein at least one of the existing modules is removed or replaced with a different version (see at least 310, 360 FIG.4B & associated text);
- prompting for the user as to availability of the closest match combination (see at least 280 FIG.4A & associated text); and
- responsive to a user input, installing the new software module and changing the existing modules as needed to obtain a compatible combination (see at least 300-310 FIG.4B & associated text).

Claim 6

Claim recites limitations, which have been addressed in claim 2, therefore, is rejected for the same reasons as cited in claim 2.

Claim 7

The rejection of base claim 6 is incorporated. Donohue further teaches wherein the installing step comprises:

- identifying an environment of a client in which the software module is to be installed (see at least 290 FIG.4B & associated text);

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- recreating the environment on a test data processing system; and
- installing the software module on the test data processing system to form the installed software module (see at least 310 FIG.4B & associated text).

Claims 8-12

Claims recite limitations, which have been addressed in claims 1-2, 4, 5, and 7, therefore, are rejected for the same reasons as cited in claims 1-2, 4, 5, and 7.

Claim 13

Donohue teaches a computer program product in a computer readable medium (see at least 20, 10 FIG.1 & associated text) for performing the method addressed in claim 3, therefore, is rejected for the same reasons as cited in claim 3.

Claims 14-17

Claims recite limitations, which have been addressed in claims 2, 4, 5, 7, and 13, therefore, are rejected for the same reasons as cited in claims 2, 4, 5, 7, and 13.

Claim 18

Donohue teaches a data processing system for managing keepalive transmissions, the data processing system comprising:

- a bus system (see at least 10 FIG.1 & associated text);

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- a communications unit connected to the bus system (see at least 10 FIG.1 & associated text);
- a memory connected to the bus system, wherein the memory includes a set of instructions (see at least 20 FIG.1 & associated text); and a processing unit connected to the bus system (see at least *automatic updating, synchronizing updates* Abstract), wherein the processing unit executes the set of instructions to perform the method addressed in claim 2, therefore, is rejected for the same reasons as cited in claim 2.

Claim 19

Claim recites limitations, which have been addressed in claims 2 and 18, therefore, is rejected for the same reasons as cited in claims 2 and 18.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

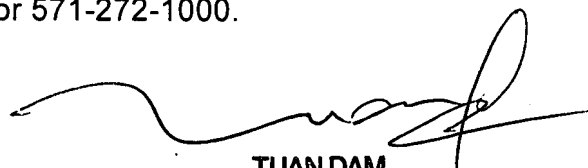
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chrystine Pham whose telephone number is 571-272-3702. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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SUPERVISORY PATENT EXAMINER